

ASSEMBLY BILL

No. 846

Introduced by Assembly Member Liu

February 18, 2005

An act to amend Section 51220.6 of the Education Code, and to amend Section 11101 of the Vehicle Code, relating to driver education.

LEGISLATIVE COUNSEL'S DIGEST

AB 846, as introduced, Liu. Driver education: private secondary schools.

(1) Existing law does not provide by statute the course requirements of an automobile driver education course offered by a private secondary school.

This bill would set forth automobile driver education course requirements for those private schools that offer that course and would specify other requirements.

(2) Existing law generally regulates driving schools and driving instructors, but provides that these regulations are not to be construed to direct or restrict driver education courses offered by private secondary schools.

This bill would delete the express exemption as to automobile driver education courses offered by private secondary schools.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51220.6 of the Education Code is
2 amended to read:

1 51220.6. (a) For the purposes of subdivision (j) of Section
2 51220, Section 51220.1, and subparagraph (A) ~~or (C)~~ of
3 paragraph (3) of subdivision (a) of Section 12814.6 of the
4 Vehicle Code, the satisfactory completion by a pupil of a course
5 in automobile driver education offered by a private secondary
6 school satisfies the driver education instructional requirements of
7 those provisions and the Department of Motor Vehicles shall
8 issue certificates of satisfactory completion forms if the
9 following conditions are met:

10 (1) The private secondary school has a current affidavit or
11 statement on file under Section 33190 that includes a statement
12 certifying that the school is in compliance with Sections 44237,
13 48222, ~~and~~ 51220, *and 51220.1.*

14 (2) The private secondary school is in compliance with
15 Sections 33190, 44237, 48222, ~~and~~ 51220, *and 51220.1.*

16 (3) *The private secondary school utilizes the Department of*
17 *Motor Vehicles' driver education curriculum developed under*
18 *subdivision (f) of former Section 12814.8 of the Vehicle Code, or*
19 *subsequent modifications approved by the department, for*
20 *providing the automobile driver education course.*

21 (4) *The private school provides the department with access to*
22 *Internet courses at all times for continued monitoring of content.*
23 *The department is provided with a copy of the CD, video, or*
24 *paper-based courses.*

25 (5) *All course curriculums contain the school name, school*
26 *address, and telephone number.*

27 (6) *Internet web pages or CD courses are secure and*
28 *protected from unauthorized access, modifications, or extraction*
29 *of confidential data.*

30 (7) *The course includes a pass or fail final examination.*
31 *Examination questions are relevant to the content of the course*
32 *curriculum. Paper-based courses include a mail-in examination.*
33 *A correct answer key is not included in the course materials.*

34 (8) *Test questions for Internet and CD courses are secured*
35 *and randomly extracted to safeguard from copying.*

36 (9) *The private secondary school provides verification*
37 *acceptable to the Department of Motor Vehicles that students are*
38 *required to take examinations by proctor or that other reliable*
39 *methods are used to ensure test integrity and that there is a clear*
40 *record of student work.*

1 (10) *The private secondary school procures and files with the*
2 *Department of Motor Vehicles a bond of ten thousand dollars*
3 *(\$10,000) executed by an admitted surety and conditioned upon*
4 *the school not practicing any fraud or making any fraudulent*
5 *representation that will cause monetary loss to a person taking*
6 *instruction from the school or monetary loss to the state or any*
7 *local authority.*

8 (b) For the purposes of this section, “private secondary
9 schools” means either of the following:

10 (1) A school that is subject to Sections 33190 and 48222.

11 (2) A person, firm, association, partnership, or corporation that
12 does both of the following:

13 (A) Offers or conducts private school instruction of those
14 courses described in ~~Section~~ *Sections 51220 and 51220.1* on the
15 high school level.

16 (B) Complies with Sections 33190, 33191, 44237, 48222, ~~and~~
17 *51220, and 51220.1.*

18 SEC. 2. Section 11101 of the Vehicle Code is amended to
19 read:

20 11101. (a) This chapter does not apply to any of the
21 following:

22 (1) Public schools or educational institutions in which driving
23 instruction is part of the curriculum.

24 (2) Nonprofit public service organizations offering instruction
25 without a tuition fee.

26 (3) Nonprofit organizations engaged exclusively in giving
27 off-the-highway instruction in the operation of motorcycles, if
28 the course of instruction is approved by the National Highway
29 Traffic Safety Administration and is not designed to prepare
30 students for examination by the department for a class 4 drivers
31 license.

32 (4) Commercial schools giving only off-the-highway
33 instruction in the operation of special construction equipment, as
34 defined in this code.

35 (5) Vehicle dealers or their salesmen giving instruction
36 without charge to purchasers of motor vehicles.

37 (6) Employers giving instruction to their employees.

38 (7) Commercial schools engaged exclusively in giving
39 off-the-highway instruction in the operation of racing vehicles or
40 in advanced driving skills to persons holding valid drivers’

1 licenses, except whenever that instruction is given to persons
2 who are being prepared for examination by the department for
3 any class of driver's license.

4 (b) For purposes of this section, "racing vehicle" means a
5 motor vehicle of a type that is used exclusively in a contest of
6 speed and which is not intended for use on the highways.

7 ~~(c)-(1) Nothing in this chapter shall be construed to direct or~~
8 ~~restrict courses of instruction in driver education offered by~~
9 ~~private secondary schools or to require the use of credentialed or~~
10 ~~certified instructors in driver education courses offered by private~~
11 ~~secondary schools.~~

12 ~~(2)~~ For the purposes of this section, private secondary schools
13 are those subject to Sections 33190 and 48222 of the Education
14 Code.